

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ELV ASSOCIATES, INC.,

Plaintiff,

v.

PARK OFFICE PROPERTIES II, LLC,

Defendant.

Civil Action No. 04-10930-RGS

JOINT STATEMENT PURSUANT TO FED. R. CIV. P. 26(F) AND LR, D.MASS 16.1(D)

On July 27, 2004, a conference was held in this matter pursuant to Fed. R. Civ. P. ("Rule") 26(f) and LR, D.Mass ("Local Rule") 16.1(B). The participants were Martin M. Fantozzi (for Plaintiff ELV Associates, Inc. ("ELV")) and William M. Droze, Vincent C. Bushnell, and A. Michelle Willis (for Defendant Park Office Properties II, LLC ("Park Office Properties")). The topics of discussion at the conference were those set forth in Rule 26(f) and Local Rule 16.1(B) & (D). Having so conferred, and in accordance with Rule 26(f) and Local Rule 16.1(D), the parties hereby submit their Joint Statement of the matters discussed and agreed upon at the conference.

I. Alternative Dispute Resolution

The parties believe that this matter is appropriate for mediation, which they believe should take place in September 2004.

II. Case Management Plan.

A. Automatic Disclosures Pursuant To Rule 26(a) And Local Rule 26.2(A).

The parties will complete the automatic disclosures required by Rule 26(a) and Local Rule 26.2(A) by August 23, 2004.

B. Discovery.

All discovery shall be complete by February 28, 2005.

C. Dispositive Pre-trial Motions.

The parties shall file any dispositive pre-trial motions by no later than March 31, 2005.

D. Pre-trial Conference.

The pre-trial conference shall be held within thirty (30) days after the Court issues its ruling on dispositive pre-trial motions, at the Court's convenience.

E. Trial.

The trial shall be held at any time after the pre-trial conference, as the Court's schedule permits.

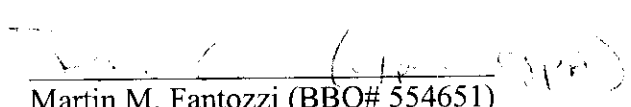
F. Referral to United States Magistrate Judge.

The parties do not consent to trial by a magistrate judge.

Respectfully submitted,

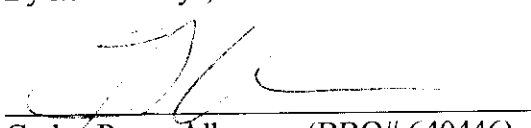
ELV ASSOCIATES, INC.

By its attorneys,


Martin M. Fantozzi (BBO# 554651)
Patrick M. Curran, Jr. (BBO# 659322)
Goulston & Storrs
A Professional Corporation
400 Atlantic Avenue
Boston, Massachusetts 02110-3333
(617) 482-1776

PARK OFFICE PROPERTIES II, LLC

By its attorneys,


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OF COUNSEL:

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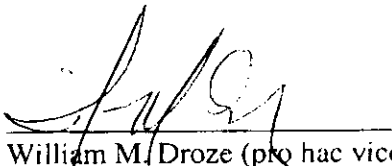
Defendant's Certification Pursuant To Local Rule 16.1(D)(3)

The undersigned counsel for Park Office Properties and authorized representative of Park Office Properties hereby certify that they have conferred with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

PARK OFFICE PROPERTIES II, LLC

By: 

Ralph G. Edwards, Jr.
Manager
Hereunto duly authorized


William M. Droze (pro hac vice)
Troutman Sanders LLP
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Counsel for Defendant Park Office
Properties II, LLC

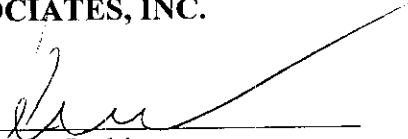
Dated: August 6th 2004

Plaintiff's Certification Pursuant To Local Rule 16.1(D)(3)

The undersigned counsel for ELV and authorized representative of ELV hereby certify that they have conferred with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation; and to consider the resolution of the litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

ELV ASSOCIATES, INC.

By:



Scott W. Jenkins
Vice President
Hereunto duly authorized



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Counsel for Plaintiff ELV
Associates, Inc.

Dated: August 6, 2004